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EXTRAORDINARY PART II—Section 2 PUBLISHED BY AUTHORITY

No. 55] NEW DELHI, FRIDAY, NOVEMBER 23, 1956

LOK SABHA

The following Bills were introduced in Lok Sabha on the 23rd November, 1956:—

BILL No. 74 of 1956

A Bill further to amend the Foreigners Act, 1946, and the Registration of Foreigners Act, 1939.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. This Act may be called the Foreigners Laws (Amendment) Short title, Act, 1956.

31 of 1946.

5 2. In the Foreigners Act, 1946 (hereinafter referred to as the *Amendment of section 2.* Foreigners Act), in section 2, for clause (a), the following clause shall be substituted, namely:—

‘(a) “foreigner” means a person who is not a citizen of India;’

10 3. In section 3 of the Foreigners Act, in sub-section (2), the *Amendment of section 3.* brackets, letter and words “(g) shall be arrested and detained or confined;” shall be omitted.

4. (1) After section 3 of the Foreigners Act, the following section shall be inserted, namely:—

15 “3A. (1) The Central Government may, by order, declare *Insertion of new section 3A.* that all or any of the provisions of this Act or of any order made *Power to exempt citizens of Commonwealth countries and other persons from application of Act in certain cases.* thereunder shall not apply, or shall apply only in such circumstances or with such exceptions or modifications or subject to such conditions as may be specified in the order, to or in relation *to—*

20

(a) the citizens of any such Commonwealth country as may be so specified; or

(b) any other individual foreigner or class or description of foreigner.

(2) A copy of every order made under this section shall be placed on the table of both Houses of Parliament as soon as may be after it is made." 5

Amendment
of section 4.

5. In section 4 of the Foreigners Act,—

(a) sub-section (1) shall be omitted;

(b) for sub-sections (3) and (4), the following sub-sections shall be substituted, namely:—

“(3) No person shall—

10

(a) knowingly assist a person on parole to escape from the place set apart for his residence or knowingly harbour any such person, or

(b) give a person on parole any assistance with intent thereby to prevent, hinder or interfere with the 15 apprehension of such person.

(4) The Central Government may, by order, provide for regulating access to, and the conduct of persons in, places where persons on parole are restricted, and for prohibiting or regulating the despatch or conveyance from out- 20 side such places to or for such persons therein of such articles as may be prescribed.”

Amendment
of section 5.

6. In section 5 of the Foreigners Act, in sub-section (5), the word “Royal” shall be omitted.

Omission of
section 10.

7. Section 10 of the Foreigners Act shall be omitted.

25

Amendment
of section 2.

8. In the Registration of Foreigners Act, 1939, in section 2, for 16 of 1939. clause (a), the following clause shall be substituted, namely:—

“(a) “foreigner” means a person who is not a citizen of India;”

STATEMENT OF OBJECTS AND REASONS

With the enactment of the Citizenship Act, 1955, which came into force on the 30th December, 1955, the definition of the term 'foreigner', both in the Registration of Foreigners Act, 1939 (16 of 1939) and the Foreigners Act, 1946 (31 of 1946) has become out of date. It is, therefore, necessary to amend it so as to include within its scope all persons who are not citizens of India. The Bill is intended to attain this object, but powers are being taken at the same time to exempt by the issue of a special order the citizens of any Commonwealth country. Even in the case of citizens of any such country, power will be available to apply all or any of the provisions of the Act in individual cases.

G. B. PANT.

NEW DELHI;
The 19th November, 1956.

BILL No. 75 OF 1956

A Bill to amend the Road Transport Corporations Act, 1950.

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

Short title.

1. (1) This Act may be called the Road Transport Corporations (Amendment) Act, 1956.

Insertion
of new
section 47A.

Special
provision
for reconsti-
tution or
dissolution
of certain
Corpora-
tions.

2. After section 47 of the Road Transport Corporations Act, 1950, 5 64 of 1950.
the following section shall be inserted, namely:—

“47A. (1) Where on account of the reorganisation of States under the States Reorganisation Act, 1956, the whole or any part of a State in respect of which a Corporation was, immediately before the 1st day of November, 1956, functioning and operating, is transferred on that day to another State and by reason of such transfer, it appears to the State Government necessary or expedient that the Corporation should be reconstituted or reorganised in any manner whatsoever or that it should be dissolved, the State Government may frame a scheme 15
for the reconstitution, reorganisation or dissolution of the Corporation including proposals regarding the formation of new Corporations, the amalgamation of the Corporation with any other Corporation, body corporate or a commercial undertaking of another State Government, the transfer of the assets, rights 20
and liabilities of the Corporation in whole or in part to any other Corporation, body corporate or a commercial undertaking of another State Government, and the transfer or re-employment of any workmen of the Corporation, and the State Gov 37 of 1956.

ernment may forward the scheme to the Central Government for approval.

Explanation.—For the purpose of framing any scheme under this sub-section, "State Government",—

5 (i) in relation to the Bombay State Road Transport Corporation, the Kutch State Road Transport Corporation and the Saurashtra State Road Transport Corporation, shall mean the Government of the State of Bombay, as formed under the States Reorganisation Act, 1956; and

10 (ii) in relation to the PEPSU Road Transport Corporation, shall mean the Government of the State of Punjab, as formed under the provisions of the States Reorganisation Act, 1956.

15 (2) On receipt of any such scheme, the Central Government may, after consultation with the State Governments concerned, approve the scheme with or without modifications and for the purpose of giving effect to the approved scheme, the Central Government may, from time to time, make such order in relation thereto as it thinks fit and every order so made shall
20 have effect notwithstanding anything contained in this Act.

(3) Any order made under sub-section (2) may provide for all or any of the following matters, namely:—

(a) the dissolution of the Corporation, notwithstanding anything contained in section 39;

25 (b) the reconstitution or reorganisation, in any manner whatsoever, of the Corporation including the establishment, where necessary, of more than one Corporation in any State;

30 (c) the amalgamation of two or more Corporations, or of one Corporation with any other body corporate or a commercial undertaking of any other State Government;

(d) the extension of the area for which the Corporation is established, or the exclusion of any area therefrom;

35 (e) the transfer, in whole or in part, of the assets, rights and liabilities of the Corporation including the transfer of any licences or permits granted to the Corporation, to any other Corporation, body corporate or a commercial undertaking of any other State Government, and the terms and conditions of such transfer;

(f) the transfer or re-employment of any workmen of the Corporation to, or by, any such transferee, and, subject to the provisions of section 111 of the States Reorganisation Act, 1956, the terms and conditions of service applicable to such workmen after such transfer or re-employment;

37 of 1956.

(g) such incidental, consequential and supplemental matters as may be necessary to give effect to the approved scheme.

(4) Where an order is made under this section transferring the assets, rights and liabilities of any Corporation, then, by virtue of that order, such assets, rights and liabilities of the Corporation shall vest in, and be the assets, rights and liabilities of, the transferee."

Repeal of
Ordinance
8 of 1956.

3. (1) The Road Transport Corporations (Amendment) Ordinance, 1956, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the date on which such thing was done or action was taken.

STATEMENT OF OBJECTS AND REASONS

Under the Road Transport Corporations Act, 1950, some of the State Governments have established road transport corporations for their States with a view to provide an efficient and economical system of road transport service therein. On account of the territorial changes brought about by the re-organisation of States, some of the road transport corporations have to function in more than one State and some States have more than one corporation functioning within their jurisdiction. Although under section 109 of the States Reorganisation Act, 1956, road transport corporations can function and operate with effect from the 1st November, 1956, in those areas in which they were functioning and operating immediately before that day, it was thought that administrative difficulties might arise if a road transport corporation were to function in areas included in another State or if there were more than one such corporation functioning within the same State. In order to overcome these difficulties, it was considered necessary to take immediate steps for the re-constitution and re-organisation of the existing road transport corporations of States in accordance with the scheme of re-organisation of States. An Ordinance amending the Road Transport Corporations Act, 1950, for the purpose was, therefore, promulgated on 1st November, 1956.

This Bill merely seeks to replace the Ordinance by an Act of Parliament.

NEW DELHI;

The 20th November, 1956.

LAL BAHADUR.

BILL* No. 73 of 1956

A Bill further to amend the Employees' Provident Funds Act, 1952.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Employees' Provident Funds (Amendment) Act, 1956.

Amendment of section 1. 2. For sub-section (3) of section 1 of the Employees' Provident Funds Act, 1952 (hereinafter referred to as the principal Act), the following sub-section shall be substituted, namely:— 5 19 of 1952.

"(3) Subject to the provisions contained in section 16, it applies—

(a) to every establishment which is a factory engaged 10 in any industry specified in Schedule I and in which fifty or more persons are employed, and

(b) to any other establishment employing fifty or more persons or class of such establishments which the Central Government may, by notification in the Official Gazette, 15 specify in this behalf:

Provided that the Central Government may, after giving not less than two months' notice of its intention so to do, by notification in the Official Gazette, apply the provisions of this Act to any establishment employing such number of persons less than 20 fifty as may be specified in the notification."

* The President has, in pursuance of clause (3) of article 117 of the Constitution of India, recommended to Lok Sabha the consideration of the Bill.

3. In sub-section (4) of section 1, clauses (f) and (fff) of section 2, sections 5, 8, 11, 12, 13, 15, 16, 17 and clauses (ii) and (iii) of section 19A of the principal Act, for the words "factory", "a factory" and "factories" wherever they occur, the words "establishment", "an establishment" and "establishments" respectively shall be substituted.

Substitution of 'establishment', 'an establishment' and 'establishments' for 'factory', 'a factory' and 'factories'.

4. In section 2 of the principal Act,—

Amendment of section 2.

(a) for clause (a), the following clause shall be substituted, namely:—

10 “(a) “appropriate Government” means—

(i) in relation to an establishment which is a factory engaged in a controlled industry, or a mine or an oil field, the Central Government, and

15 (ii) in relation to any other establishment, the State Government;”

(b) for clause (e), the following clause shall be substituted, namely:—

“(e) ‘employer’ means—

20 (i) in relation to an establishment which is a factory, the owner or occupier of the factory, including the agent of such owner or occupier, the legal representative of a deceased owner or occupier and, where a person has been named as a manager of the factory under clause (f) of sub-section (1) of section 7 of the Factories Act, 1948, the person so named; and

63 of 1948. 25

30 (ii) in relation to any other establishment, the person who, or the authority which, has the ultimate control over the affairs of the establishment, and where the said affairs are entrusted to a manager, managing director or managing agent, such manager, managing director or managing agent;”.

5. For section 3 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 3.

35 “3. Where immediately before this Act becomes applicable to an establishment there is in existence a provident fund which is common to the employees employed in that establishment and employees in any other establishment, the Central Government

Power to apply Act to an establishment which has a common provi-

dent fund
with another
establish-
ment.

Amendment
of section
19A.

may, by notification in the Official Gazette, direct that the provisions of this Act shall also apply to such other establishment."

6. In section 19A of the principal Act, for clause (i), the following clauses shall be substituted, namely:—

"(i) whether an establishment which is a factory, is engaged in any industry specified in Schedule I. 5

(ia) whether any particular establishment is an establishment falling within the class of establishments to which this Act applies by virtue of a notification under clause (b) of subsection (3) of section 1." 10

STATEMENT OF OBJECTS AND REASONS

The Employees' Provident Funds Act, 1952, applied originally to factories engaged in the six industries specified in Schedule I, namely, cement, cigarettes, electrical, mechanical or general engineering products, iron and steel, paper and textiles. Section 4 of the Act, provides for the extension of the Act to other factories by a notification in the Official Gazette. Of late, there has been a persistent demand for the extension of provident fund benefits to all industrial workers, and the Act has recently been extended to seventeen additional factory industries by notification. Section 4, however, provides for application of the Act to factory industries only. There is no provision in the Act enabling its extension to other establishments like plantations, mines, commercial establishments, etc. It is, therefore, proposed to include an enabling provision in the Act to the effect that, subject to the exemptions provided in section 16, the Act shall apply to any establishment or class of establishments as may be specified by the Central Government by notification in the Official Gazette.

The Bill seeks to provide for this object.

KHANDUBHAI K. DESAI.

NEW DELHI;

The 7th November, 1956.

FINANCIAL MEMORANDUM

The Bill contemplates the extension of the Employees' Provident Funds Act and the Scheme framed thereunder to non-factory industries like plantations, mines, commercial establishments, etc. The cost of administering the Act and the Scheme will mainly be recovered from employers. The Centre's responsibility will be confined to supervision and co-ordination. For this purpose some additional staff may be required in the Central Secretariat. It is not possible to estimate accurately at present the extra staff required for the purpose, but the extra cost on this account is not likely to exceed Rs. 25,000/- per annum.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill amends sub-section 3 of section 1 of the Act relating to its application. The new section empowers the Central Government to bring under the purview of the Act, by notification in the Official Gazette, any establishment or class of establishments, in respect of the employees whereof it is of the opinion that a Provident Fund Scheme should be framed under the Act. The section as it now stands only provides for the extension of the Act to factory industries and so power is being obtained to cover other establishments.

The delegation is of a normal character.

BILL* No. 76 OF 1956

A Bill declare the institution known as the Indian Statistical Institute in Calcutta to be an institution of national importance and to provide for certain matters connected therewith.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Indian Statistical Institute Act, 1956.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. 5

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “bye-law” includes any rule or regulation (by whatever name called) which the Institute is competent to make in the exercise of the powers conferred on it under the Societies Registration Act, 1860; 10

21 of 1860.

(b) “Institute” means the Indian Statistical Institute registered under the Societies Registration Act, 1860, declared to be of national importance under section 3;

(c) “memorandum” means the memorandum of association 15 of the Institute filed with the Registrar of Joint-stock Companies under the Societies Registration Act, 1860.

Declaration
of the Indian
Statistical
Institute as
an institution
of national
importance.

3. Whereas the objects of the institution known as the Indian Statistical Institute in Calcutta are such as to make it an institution of national importance, it is hereby declared that the Indian Statistical Institute is an institution of national importance. 20

* The President has, in pursuance of clauses (1) and (3) of article 117 of the Constitution of India, recommended to Lok Sabha the introduction and consideration of the Bill.

4. For the purpose of enabling the Institute to discharge its functions efficiently the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Institute in each financial year such sums of money as that Government considers necessary by way of grant, loan or otherwise.

Payment to the institute.

5. (1) The accounts of the Institute shall be audited by auditors duly qualified to act as auditors of companies under the Companies Act, 1956, and the auditors shall be appointed by the Institute with the previous approval of the Central Government.

Audit.

(2) Every auditor shall, in the performance of his duties, have at all reasonable times access to the books, accounts and other documents of the Institute.

(3) The auditors shall submit their report to the Institute and forward a copy thereof to the Central Government.

6. Notwithstanding anything contained in the Societies Registration Act, 1860, or in the memorandum or bye-laws of the Institute, the Institute shall not, except with the previous approval of the Central Government,—

Prior approval of the Central Government in certain cases.

(a) alter, extend or abridge the purpose or purposes for which it has been established or for which it is being used immediately before the commencement of this Act or amalgamate either wholly or partially with any other institution or society; or

(b) alter or amend in any manner the memorandum or bye-laws of the Institute; or

(c) sell or otherwise dispose of any property acquired by the Institute with money provided by Government:

Provided that no such approval shall be necessary in the case of any such movable property or class of movable property as may be specified by the Central Government in this behalf by general or special order; or

(d) be dissolved.

7. (1) The Central Government may constitute one or more committees as and when it considers necessary consisting of such number of persons as it thinks fit to be appointed by that Government and assign to such committee or committees all or any of the following duties, namely:—

Constitution of committees by Central Government for preparing programmes of work by the Institute, etc.

(a) the preparation and submission to the Central Government, before the commencement of each financial year, of statements showing programmes of work to be undertaken by the

Institute during that year for which the Central Government may provide funds, as well as financial estimates in respect of such work;

(b) the settlement on broad lines of the programme of work to be undertaken by the Institute and the evaluation of the work done by the Institute; 5

(c) the review and inspection of the work done by the institute and the progress made by it, including the inspection of its assets and the submission of reports thereon in such manner as the Central Government may direct. 10

(2) The Institute shall be bound to afford all necessary facilities to any committee constituted under sub-section (1) for the purpose of enabling it to carry out its duties.

Directions
by the
Central Gov-
ernment.

8. (1) The Central Government may, if it is satisfied that it is necessary so to do in the public interest, issue, for reasons to be recorded, such directions as it thinks fit to the Institute, and such directions may include directions requiring the Institute— 15

(a) to amend the memorandum or to make or amend any bye-law within such period as may be specified in the direction;

(b) to appoint one or more persons nominated in this behalf by the Central Government on the governing body or any other authority of the Institute. 20

(2) In the discharge of its functions the Institute shall be bound to carry out the directions issued under this section.

(3) Any directions issued under this section shall have effect, notwithstanding anything contained in any law for the time being in force or in the memorandum or bye-laws of the Institute. 25

Power of
Central Gov-
ernment to
assume func-
tion of Cent-
ral.

9. If in consequence of the state of affairs disclosed in any report made under clause (c) of sub-section (1) of section 7, the Central Government thinks it necessary so to do, it may, after giving an opportunity to the Institute to be heard in the matter, by order, appoint any person to exercise, with respect to the whole or any part of the Institute, such functions of control as may be provided by the order, and so long as an order made under this section is in force with respect to the Institute or any part thereof, the Institute or part shall be carried on in accordance with the directions given by the person so appointed in accordance with the provisions of the order, and any person having any functions of management in relation to the Institute or part shall comply with any such directions. 30 35

STATEMENT OF OBJECTS AND REASONS

The Indian Statistical Institute in Calcutta carries out research in theoretical and applied statistics and provides facilities for professional training at post-graduate level. Since the commencement of the First Five Year Plan, there has been a great expansion in the activities of the Institute which now include *inter alia*—

(1) the work of designing the periodical rounds of National Sample Survey, processing and tabulation of the data and their subsequent analysis;

(2) the maintenance of an Operational Research Unit on Planning and Statistical Quality Control Units at Bangalore, Bombay and Calcutta;

(3) the training of statisticians deputed by the Central and State Governments;

(4) the maintenance of two new units for biometric and psychometric researches; and

(5) the running of an International Statistical Education Centre.

In view of the growing importance of the Institute in the context of the Five Year Plan, it is considered necessary that the Institute should be declared to be an institution of national importance under Entry 64 in list I of the Seventh Schedule to the Constitution. The Bill makes such a declaration and further provides for the requisite financial assistance to be given to the Institute and for suitable powers of control being exercised.

A. C. GUHA.

NEW DELHI;

The 17th November, 1956.

FINANCIAL MEMORANDUM

The Bill contemplates the declaration of the Indian Statistical Institute, Calcutta, as an institution of national importance. Finances required by the Institute for the discharge of its functions shall be payable by the Central Government in the shape of grants, loans or otherwise each year. At this stage, it is not possible to frame an accurate estimate of the funds needed by the Institute for its various activities; but, since the development of the Institute will be according to the programme approved by the Government, payment of funds will be in accordance with the proposals accepted by the Government of India and will also depend upon the quantum of specific work entrusted by Government to the Institute each year.

2. The following budget provision has been made under Demand No. "38—Miscellaneous Departments and other Expenditure under the Ministry of Finance" for the Institute during the year 1956-57:

| | |
|-------------------------------|-----------------------------|
| (i) Recurring | Rs. 17,39,000 |
| (ii) Recurring | Rs. 49,01,000—for NSS work. |
| (iii) Non-recurring | Rs. 20,00,000 |

3. Funds to be made available in the subsequent years will vary and will be determined from time to time.

4. All moneys placed at the disposal of the Institute will constitute the Fund of the Institute.

BILL No. 50 OF 1956

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 19 . Short title.

2. In article 107 of the Constitution, for clause (3), the following clause shall be substituted, namely:—

Amendment.
of article
107.

“(3) (a) A Bill, or a motion, resolution or an amendment, which has been moved and is pending in either House of Parliament, shall not lapse by reason of prorogation of the House in which it is pending.

10 (b) Any business before a Committee appointed by either House shall not lapse on prorogation of the House concerned and the Committee shall continue to function after such prorogation”.

STATEMENT OF OBJECTS AND REASONS

According to the practice in the British House of Commons all pending business lapses after the prorogation of the House. The position in India is, however, different. Article 107(3) of the Constitution provides that a Bill pending in Parliament shall not lapse by reason of prorogation. There is no mention in the Constitution regarding any other business e.g. a motion, resolution or an amendment which has been moved and remains undisposed of in either House of Parliament, or in a Committee or sub-Committee thereof before prorogation although in practice they do not lapse by reason only of the prorogation of the House. This Bill is intended to regularise the matter by including within the purview of article 107(3) of the Constitution all such business which has commenced and remains undisposed of on prorogation.

NEW DELHI;

The 26th July, 1956.

RAGHUNATH SINGH.

BILL No. 64 OF 1956

A Bill further to amend the Indian Divorce Act, 1869.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Divorce (Amendment) Act, 19 Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

of 1869. 2. In section 3 of the Indian Divorce Act, 1869 (hereinafter referred to as the principal Act), clauses (6), (7) and (8) shall be omitted. Amendment of section 3.

10. 3. For sections 10 and 11 of the principal Act, the following sections shall be substituted, namely:— Substitution of new sections for sections 10 and 11.

“10. (1) Any husband or wife may present a petition to the District Court or to the High Court, praying that his or her marriage may be dissolved on the ground that the respondent— When husband or wife may sue for dissolution.

15 (a) has since the solemnization of the marriage committed adultery; or

(b) has been guilty of bigamy; or

(c) has deserted the petitioner without reasonable excuse for a period of at least four years immediately preceding the presentation of the petition; or

(d) has since the solemnization of the Marriage treated the petitioner with cruelty; or

(e) has been incurably of unsound mind for a continuous period of not less than three years immediately preceding the presentation of the petition; or 5

(f) is undergoing a sentence of imprisonment for seven years or more for an offence as defined in the Indian Penal Code, 1860: 45 of 1860.

Provided that dissolution shall not be granted on this ground, unless the respondent has, prior to the presentation 10 of the petition, undergone at least three years' imprisonment out of the said period of seven years; or

(g) has, since the solemnization of the marriage, exchanged his or her profession of Christianity for the profession of some other religion, and gone through a form of 15 marriage with another woman or man; or

(h) has not resumed cohabitation for a period of two years or upwards after the passing of a decree for judicial separation against the respondent; or

(i) has refused or failed without sufficient cause to 20 consummate the marriage for a period of five years or upwards from the time of the marriage, or of the attainment of puberty, whichever is later; or

(j) has failed to comply with a decree for restitution of conjugal rights for a period of three years or upwards 25 after the passing of the decree against the respondent; or

(k) has not been heard of as being alive for a period of seven years or more by those persons who would naturally have heard of the respondent, had the respondent been alive; 30

and any wife may present a petition as aforesaid on the ground that her husband has, since the solemnization of the marriage, been guilty of rape, sodomy or bestiality.

(2) Every such petition shall state, as distinctly as the nature of the case permits, the facts on which the claim to 35 have such marriage dissolved is founded.

11. Upon any such petition presented on the ground of adultery, the petitioner shall make the alleged adulterer or adulteress a co-respondent to the said petition, unless he or she is excused from so doing on one of the following grounds to be allowed by the Court:—

- (1) in the case of a petition by the husband, that the respondent is leading an immoral life and that the petitioner knows of no person with whom the adultery has been committed;
- (2) that the name of the alleged adulterer or adulteress is unknown to the petitioner, although he or she has made due efforts to discover it;
- (3) that the alleged adulterer or adulteress is dead."

4. In section 35 of the principal Act, after the proviso and before the last paragraph, the following paragraph shall be inserted, namely:—

"Whenever in any petition presented by a wife, the alleged adulteress has been made a co-respondent, and the adultery has been established, the Court may order the co-respondent to pay the whole or any part of the costs of the proceedings, provided that the co-respondent shall not be ordered to pay the petitioner's costs, if the co-respondent had not at the time of the adultery reason to believe the respondent to be a married man."

5. In section 39 of the principal Act, in the first paragraph—

Amendment
of section 39.

- (1) the words "of the wife" shall be omitted;
- (2) for the words "that the wife", the words "that the husband or wife" shall be substituted; and
- (3) for the word "husband", the words "wife or husband, as the case may be," shall be substituted.

6. For section 52 of the principal Act, the following section shall be substituted, namely:—

Substitution
of new sec-
tion for sec-
tion 52.

"52. On any petition presented for dissolution of marriage on the ground of cruelty or of desertion without reasonable excuse, the husband and wife shall be competent and compellable to give evidence of or relating to such cruelty or desertion."

Competence
of husband
and wife to
give evi-
dence.

STATEMENT OF OBJECTS AND REASONS

This Bill is mainly intended to liberalise the grounds for divorce contained in section 10 of the Indian Divorce Act, 1869, and to bring the provisions of that section so far as may be in line with the provisions relating to divorce in the Special Marriage Act, 1954, and the Hindu Marriage Act, 1955.

The opportunity to amend the Act is also being utilized to carry out certain amendments of minor importance in sections 11, 35, 39 and 52.

INDIRA A. MAYDEO.

NEW DELHI;

The 12th September, 1956.

BILL No. 65 OF 1956

A Bill further to amend the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1898

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Criminal Law Amendment Act, 19 . Short title and extent.

5 (2) It extends to the whole of India except the State of Jammu and Kashmir.

XLV of 1860 2. After section 295A of the Indian Penal Code, 1860, the following new section shall be inserted, namely:—

10 **“295B.** Whoever, by words spoken or written, or by visible representations, or by signs, or by gestures, insults, or slights, or attempts to insult or slight the founder or any esteemed leader, living or dead, of any religion and thereby wounds the feelings of the followers of such religion, shall be punished with imprisonment of either description for a term which may extend to two
15 years, or with fine, or with both.”

V of 1898. 3. In clause (1) of section 99A of the Code of Criminal Procedure, 1898,— Insertion of new section 295B in Act XLV of 1860.

(1) after the words “beliefs of that class” the following words shall be inserted, namely:—

20 “or any matter which has the effect of insulting or slighting the founder or any esteemed leader of any religion,”; and

(2) after the words and figures “or section 295A”, the words and figures “or section 295B” shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Recently cases of insulting and abusing religious leaders have occurred in the country. In certain cases, the State Governments concerned expressed the opinion that there was no law to take action against such occurrences. This Bill is intended to give the necessary power to the Governments concerned.

B. POCKER.

NEW DELHI;

The 23rd September, 1956.

BILL NO. 66 OF 1956

A Bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Salaries and Allowances of Members of Parliament (Amendment) Act, 19

Short title
and com-
mencement.

(2) It shall come into force at once.

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2. In section 6 of the Salaries and Allowances of Members of Parliament Act, 1954,—

Amendment
of section 6.

30 of 1954.

(1) for the heading “Free transit by Railway”, the heading “Free transit” shall be substituted; and

(2) after the words “travel by any Railway”, the words “or Airway” shall be inserted.

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STATEMENT OF OBJECTS AND REASONS

India is a vast country. Quite a large number of Members of Parliament come to Delhi to attend sessions of Parliament from distances of more than one thousand miles. It takes three to five days for the Members travelling by the fastest train over the shortest route to reach Delhi from their Constituencies in journey one way. Ordinarily such Members have to spend from one to two full months in the train itself on account of their journeys to and fro. It would be much more for such members who perform the intermediate journeys as well.

2. Parliament meets for about 8 to 9 months in the year. As matters now stand, such Members coming from these long distances are cut off from their constituencies for long periods. If facility of free travel by Air is given to members, it would not only result in great convenience to members and in a saving of time spent by them in the journeys, but would also result in greater efficiency in the discharge of their duties in Parliament.

3. In fact in every country in the world where nationalised Airways exist, members of Parliament are allowed the facility of free travel in the highest class of all communications available in the country.

4. In our country both Airways and Railways are nationalised. Therefore, there should be no difficulty whatsoever in giving effect to the provisions of this Bill.

Hence this Bill.

N. KESHAVAIENGAR.

NEW DELHI;

The 29th September, 1956.

FINANCIAL MEMORANDUM

Under clause 2 of the Bill Members of Parliament who are already entitled to free travel by Railway throughout India, will also be entitled to free travel by Airways. This facility will be availed of by a very limited number of members coming from long distances which are connected by Airways. It is, however, not possible at this stage to estimate the actual expenditure which is likely to be incurred but in any case it is not likely to be substantial.

BILL No. 77 OF 1956

A Bill to help and provide facilities for the appointment of Indian Employees in Foreign Embassies in India.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. This Act may be called the Appointment of Indian Employees Short title.
in Foreign Embassies Act, 19

5 2. In this Act, unless there is anything repugnant in the subject Definitions,
or context,—

(i) "Foreign Embassy" means the office and establishment of any Foreign Embassy or Legation which has extra-territorial jurisdiction. It includes High Commissioner's Office;

10 (ii) "Employee" means a person who is employed by a Foreign Embassy either as part-time or whole-time worker;

(iii) "Salary" means monthly remuneration including local allowances; and

15 (iv) "Board of Selection" means the Board constituted under section 4.

3. No Indian national shall be appointed in a Foreign Embassy, Legation or High Commissioner's Office except through a Board constituted under section 4.

Appointment of Indians in Foreign Embassies.

Selection
Board.

4. There shall be a Board of selection consisting of—

- (1) One Officer of the Ministry of External Affairs;
- (2) One Officer of the Ministry of Home Affairs; and
- (3) One Officer of the concerned Foreign Embassy,

for appointment of Indian nationals in Foreign Embassies.

5

Salaries.

5. The salaries paid to the Indian nationals employed in the Foreign Embassies shall be equal to the salaries paid in the various Secretariats of the Central Government.

STATEMENT OF OBJECTS AND REASONS

There are hundreds of Indian nationals employed in various Foreign Embassies, Legations, and High Commissioners' Offices. These employees are recruited from open market. The scale of pay given to employees in the Foreign Embassies is higher. It is necessary to have a uniform scale of salary with a view to helping the Foreign Embassies in recruiting employees. This Bill is intended to achieve that objective.

NEW DELHI;
The 2nd October, 1956.

KRISHNACHARYA JOSHI.

M. N. KAUL,
Secretary.

